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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

BOARD OF TRUSTEES OF THE  
 CONSTRUCTION INDUSTRY AND  
 LABORERS HEALTH AND WELFARE  
 TRUST; THE BOARD OF TRUSTEES OF  
 THE CONSTRUCTION INDUSTRY AND  
 LABORERS JOINT PENSION TRUST; THE  
 BOARD OF TRUSTEES OF THE  
 CONSTRUCTION INDUSTRY AND  
 LABORERS VACATION TRUST; and THE  
 BOARD OF TRUSTEES OF THE  
 SOUTHERN NEVADA LABORERS  
 LOCAL 872 TRAINING TRUST,,

CASE NO.:

**COMPLAINT**

Plaintiffs,

v.

SECURITY PAVING COMPANY, INC., a  
 California corporation,

Defendant.

Plaintiffs allege:

1. This action arises under the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §§ 1001-1500 and the Court has original jurisdiction pursuant to 29 U.S.C. § 1132(e). Venue is proper pursuant to 29 U.S.C. § 1132(e)(2).

2. The Plaintiffs are the Boards of Trustees of the Construction Industry and Laborers Health and Welfare Trust, the Construction Industry and Laborers Joint Pension Trust, the

1 Construction Industry and Laborers Vacation Trust, the Southern Nevada Laborers Local 872  
2 Training Trust (collectively referred to as "Trust Funds") and are fiduciaries for purposes of  
3 ERISA.

4 3. Security Paving Company, Inc., a California corporation, acted as an employer  
5 within the State of Nevada employing persons ("Covered Employees") who perform work  
6 covered by a collective bargaining agreement ("CBA") between Southwestern and the  
7 Construction Industry and Laborers Union Local 872.

8 4. The CBA requires Security Paving to make employee benefit contributions to the  
9 Trust Funds on behalf of its Covered Employees.

10 5. The Trust Funds are ERISA employee benefit trust funds that provide benefits to  
11 Covered Employees.

12 6. The Trust Funds are established by Trust Agreements ("Trust Agreements").

13 7. The CBA, the Trust Agreement, and 29 U.S.C. § 1145 require each employer,  
14 including Security Paving, to make timely contributions to the Trust Funds on behalf of each  
15 employee who performs work covered by the CBA.

16 8. The CBA, the Trust Agreement, and 29 U.S.C. § 1132(g) provide for assessment  
17 of audit fees, court costs, expenses, interest, attorneys' fees and liquidated damages against an  
18 employer in the event the employer defaults in making payments to the Trust Funds and legal  
19 proceedings are required to recover such payments.

## 20 **SOLE CLAIM FOR RELIEF**

### 21 **ERISA Delinquent Contributions – 29 U.S.C. § 1145.**

22 9. Paragraphs 1 through 8 are restated and incorporated by reference.

23 10. Security Paving has failed to meet its obligations to remit employee benefit  
24 contributions to the Trust Funds as set forth in the CBA and Trust Agreements, and as required by  
25 29 U.S.C. § 1145.

26 11. As a result of its delinquency, Security Paving is liable to the Trust Funds for  
27 unpaid contributions, interest, liquidated damages, audit fees and attorneys' fees, as provided by  
28 29 U.S.C. § 1132(g), the CBAs, Trust Agreements and applicable Collection Policy.

WHEREFORE, Plaintiffs pray for relief as follows:

1. A judgment against Security Paving, for damages, including delinquent employee benefit contributions, interest, liquidated damages, and attorneys' fees and costs;
2. For other equitable relief as provided by ERISA; and
3. For such other and further relief as the Court deems proper.

Dated: February 7, 2020.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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